

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 12541 of H. C. Construction Ltd., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against creating a lot that does not conform to the Zoning Regulations (Sub-section 1302.2) to convert five apartment houses with four units each into ten dwellings not meeting the lot area, lot width, lot occupancy, open court and rear yard requirements of the R-4 District at the premises 1119-1135 West Virginia Avenue and 1105-1107 Morse Street, N.E., (Square 4070, Lots 148-152).

HEARING DATE: December 21, 1977

DECISION DATE: January 4, 1978

FINDINGS OF FACT:

1. The subject property is located at 1119-1135 West Virginia Avenue and 1105-1107 Morse Street, N. E. and is in an R-4 District.

2. The total area of the subject five contiguous lots is 13,848 square feet. Each of the five lots is improved with one two-story four unit brick apartment building which has an enclosed rear porch. The apartments were built in 1935.

3. The surrounding residential uses are comprised of two-story row dwellings with porches. In the immediate area of the site are the following: to the north along Morse Street are row houses with porches; to the south separated by a 20 foot alley and within the C-2-A District is an apartment building; to the immediate east behind the site and perpendicular to it is a 20 foot wide dead end alley which separates the site from the rear yards of residences which front along Morse Street; to the west on the opposite side of West Virginia Avenue is the Galludet College.

4. The applicant proposes to subdivide the five existing lots improved with five apartment buildings into ten lots which will coincide with the ten proposed converted row dwellings. Each row dwelling will have an average gross floor area of 1,365 square feet which will contain a dining room, kitchen, two bathrooms, three bedrooms and living room. In order to effectuate the conversion the existing staircases in each building will be removed and replaced by a partywall with a stairway on each side that leads to the second level of each unit. Each town house will have a separate outside entrance as well as new carpeting, new kitchen equipment and new enclosed rear porches. The exteriors of the buildings will be landscaped. The exterior stairs will be replaced but there will be no further exterior changes.

5. The applicant is the contract purchaser of the subject property.

6. The applicant, in order to accomplish the intended conversion, will require variances from the lot area, lot width, lot occupancy, open courts and rear yard requirements.

7. If the Board granted the relief requested the area of the lots will range from 1,066 to 1,763 square feet with the overall average of 1,384 square feet per lot.

8. The sell price of the converted houses is approximated at the upper \$30,000 range and may be acquired under VA, FHA and conventional financing.

9. The Municipal Planning Office by report dated December 15, 1977 recommended approval of the application.

10. Advisory Neighborhood Commission 5-B made no recommendation on the application.

11. There was opposition to the application on behalf of tenants who would be displaced by the present conversion of the subject property.

12. Applicant testified and later submitted in writing and marked as Exhibit 18 in the record, as to plans to relocate the tenants displaced by the subject conversion and their option to purchase one of the proposed newly created subject row houses. The relocation plans were submitted to and approved by the Board.

#### CONCLUSIONS OF LAW:

The proposed conversion to row dwellings is in conformity with the surrounding row dwellings and represents a decrease in use intensity when compared to the existing apartment use. The Board is of the opinion that the location, size and shape of the lots, the existing improvements and the proposed conversion present issues of a practical difficulty. The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board is also aware that the conversion and sale of the ten units in fee simple will serve to stabilize the neighborhood, further the District of Columbia policy of improving existing housing and increase the opportunity for home ownership. The Board is mindful of the potential problems caused by displacement of the existing tenants, and believes that the applicant has made a good faith effort to assist the present tenants. Accordingly it is ORDERED

that the application is GRANTED subject to the CONDITION that the plans for the relocation of the displaced tenants, submitted to and approved by the Board, marked as Exhibit 18, and attached hereto are made a part of this Order.

VOTE: 5-0 ( Walter B. Lewis, having read the record, Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

10 JAN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

# Memorandum • Government of the District of Columbia

TO: Board of Zoning Adjustment

Department,  
Agency, Office:

FROM: Kenneth T. Hammond  
Zoning Service Division  
Municipal Planning Office

Date: January 4, 1978

SUBJECT: BZA - 12541

Proposed schedule of benefits to assist present tenants to relocate from 20 unit apartment building located at West Virginia Avenue and Morse Street, N.E.

The Board of Zoning Adjustment directed staff at the December 21 hearing to assist the H.C. Construction Company, applicant in this case and the tenants of the subject premises in developing a plan that would provide for reasonable relocation assistance.

Please find attached the plan proposed by the applicant dated December 27, 1977. This plan was submitted to Mr. Petersen, the tenant representative who acknowledged receipt by telephone on January 4, 1978. Mr. Peterson indicated that the applicant had also discussed the plan with him on December 31, 1977. Mr. Petersen was further advised that if the tenants had problems with the plan, they should submit a letter to the Board as soon as possible.

ZONING COMMISSION  
DISTRICT OF COLUMBIA  
1978 JAN -4 PM 2:27

PASCAL AND WEISS, P.A.

ATTORNEYS AT LAW

1341 FOURTH STREET, NORTHEAST  
WASHINGTON, D. C. 20002

(202) 544 2200

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REBECCA J. HARBERT (D.C.)

MARTIN R. FAIN (D.C. & MD.)  
DONALD B. WEISFELD (D.C.)

December 27, 1977

MARYLAND OFFICE  
4405 EAST-WEST HIGHWAY  
SUITE 304  
BETHESDA, MARYLAND 20014  
(301) 657-8998  
BALTIMORE, MD. DIRECT DIAL  
792 4056

EUROPEAN CORRESPONDENT  
DAVID K. WRIGHT (D.C.)  
ABLE SA  
AVENUE LEGRAND 35  
1050 BRUSSELS, BELGIUM  
(02) 649 94 30  
TELEX 62 038 ABLE B

Mr. Leonard C. McCants  
Chairman  
Board of Zoning Adjustments  
Room 9-A  
1350 E Street, N. W.  
Washington, D. C. 20004

Re: BZA No. 12541  
1119, 1123, 1127, 1131 West Virginia Avenue, N. E.  
1105 Morse Street, N. E.

Dear Mr. McCants:

I am writing on behalf of my client, H. C. Construction, Ltd., in reference to the above pending matter. If the pending request for a zoning change is granted, my client proposes the following schedule of benefits to be given to the current tenants.

I. Relocation Assistance

A. Each tenant shall receive pursuant to the D. C. Rental Accommodations Act a ninety day notice to quit the premises to give the tenants an opportunity to find alternate housing. These notices will be either hand-delivered or sent by certified mail to insure that the tenants have actual notice of the necessity to vacate. A copy of the proposed notice is attached to this letter as Exhibit A.

B. Along with the ninety day notice, the Applicant will provide each tenant with a list of at least six active real estate rental agents in the District of Columbia, complete with addresses, phone numbers and the names of key contact individuals, to assist the tenants in relocating (Exhibit B). The Applicant will provide each tenant with a list of the available apartments being managed by these firms (Exhibit C). Further, the Applicant will supply each tenant with a list (Exhibit D) of all available apartments being managed by the real estate management firm of Gitelson and Neff Management Company, Inc.

Mr. Leonard C. McCants  
Re: BZA No. 12541  
December 27, 1977  
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Any conflict among the tenants as to securing apartments from these lists shall be resolved on the basis of seniority in the complex.

C. Gitelson and Neff Management Company, Inc. will be available to act as a liaison between the tenants, the prior owners of the premises, and the prospective landlords, credit bureaus, etc. Gitelson and Neff will also be available to assist the tenants in preparing any necessary credit and rental applications.

D. Gitelson and Neff will provide any other assistance it can in dealing with any tenant questions and problems during the relocation process.

## II. Monetary Assistance

A. When a tenant vacates during the ninety day notice period, the Applicant agrees to provide the tenant with a monetary relocation assistance award in the amount of \$130.00 or to forego the collection of one month's rent. Thus the total value of the relocation assistance for the twenty unit complex would be \$2,600.00.

B. The Applicant agrees to refund any tenant's security deposit within forty-eight hours of being notified that the tenant has vacated the premises.

## III. Priority in Purchase of Homes

A. The Applicant agrees to notify all former tenants who have provided the Applicant with a forwarding address two weeks before the new homes are placed on the real estate market. This will afford former tenants an advanced opportunity to arrange for financing and submit a contract offer should the tenant desire to purchase one of the new homes. The tenants will receive notice of this opportunity along with the ninety day notice to quit the premises (Exhibit E).

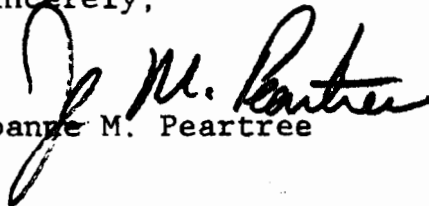
B. The Applicant agrees to give all former tenants priority over other prospective purchasers, provided the written contract offer is identical and the tenant's offer is presented prior to the acceptance of the offer of any competing purchaser.

Mr. Leonard C. McCants  
Re: BZA No. 12541  
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C. Should a dispute arise among tenants submitting identical contract offers for the same unit, such dispute shall be resolved in favor of the tenant having the longest occupancy in the complex.

Should the Board have any additional suggestions for tenant relocation assistance, the Applicant would be willing to attempt to implement the recommendations.

Sincerely,



Joanne M. Peartree

JMP:seb

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(Date)

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(02) 649 94 30  
TELEX 62 038 ABLE B

Tenant           (name)            
Address  
Washington, D. C. (zip)

Re: Occupancy of           (address)          

Dear Tenant:

I am writing you on behalf of the new owner of your building, H. C. Construction, Ltd., to give you a ninety day notice to move from           (address)          . The new owner intends to discontinue the housing use and occupancy of the apartment for at least six months and will not receive any rent for the apartment for a period of six months after you leave the apartment. This is issued pursuant to Section 213(a)(6) of the D. C. Rental Accommodations Act.

To help you find new housing, we are enclosing a list of apartments we believe to be available in the District of Columbia, and a list of the real estate management firms, including Gitelson and Neff Management Company, Inc., handling these apartments. If you need any assistance at all in completing credit and/or rental applications or in obtaining the return of your security deposit (if you have one), Mr. Albert Silver or Mr. Marvin Gitelson of Gitelson and Neff Management Company, Inc., 723-6666, will be glad to help you.

If you leave during this ninety day notice period, we will give you \$130.00 to help you with your moving expenses, or if you owe any rent, we agree not to attempt to collect one month's rent. If you have made a security deposit on your apartment, we agree to return the security deposit to you within forty-eight hours of being notified that you have left the apartment. You should notify Mr. Albert Silver or Mr. Marvin Gitelson of Gitelson and Neff Management Company, Inc., 723-6666, when you move out of your apartment.



Tenant

Re: Occupancy of \_\_\_\_\_ (address) \_\_\_\_\_

Date

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Should you have any questions concerning this notice,  
please contact Mr. Albert Silver or Mr. Marvin Gitelson at  
723-6666.

Sincerely,

Joanne M. Peartree

JMP:seb

December 27, 1977

Frank Emmett Real Estate  
7603 Georgia Ave. N.W.  
Washington, D.C.  
Phone- 882-8300  
Contact: Mrs. Baldwin

- 1 Bedroom 333 Parkland Place S.E. \$149.00 Month plus cooking Gas & Electric
- 1 Bedroom 3322 12th Street, S.E. \$131.00 Month plus cooking Gas & Electric.
- 1 Bedroom 3800 South Capital Street S.E. \$142.00 Includes all Utilities.
- 2 Bedroom 104 58th Street, S.E. \$176.00 Month plus cooking Gas & Electric.
- 2-2 Bedroom 101 Danebury Street, S.W. \$162.50 Month Includes all Utilities.
- 1 Bedroom 1926 New Hampshire Ave N.W. \$110.00 Month plus cooking gas&Electric
- 2-2 Bedroom 2325 15th Street, N.W. \$154.00 Includes all Utilities.
- 1 Bedroom 1465 Columbia Road, N.W. \$121.00 Month plus cooking Gas & Electric
- 2 Bedroom 1311 Euclid Street, N.W. \$162.00 Month plus cooking Gas & Electric
- Efficiency 1831 2nd Street, N.E. \$95.00 Month Includes all Utilities.
- 1 Bedroom 1524 "F" Street, N.E. \$112.50 Month plus cooking Gas & Electric.

Waggaman and Brawner Realty Company  
4123 Wisconsin Avenue, N.W.  
Washington, D.C.  
Phone- 362-5164  
Contact: Mrs. Dooley

- Efficiency 1483 Newton Street, N.W. \$118.00 Month plus Electric.
- Efficiency 1673 Park Road, N.W. \$150.00 Month plus Electric.
- 1 Bedroom 1673 Park Road, N.W. \$181.00 Month plus Electric.
- 1 Bedroom 1521 Kingman Street, N.W. \$95.00 Month plus Electric.
- 1 Bedroom 4403 14th Street, N.W. \$144.00 Month plus Electric.
- 1 Bedroom 5100 Bass Place, S.E. \$185.00 Month plus Electric.
- 1 Bedroom 724 Brandywine Street, S.E. \$160.00 Month Includes all Utilities
- 1 Bedroom 1733 "T" Street, S.E. \$ 124.00 Month plus Electric.
- 1 Bedroom 1655 "W" Street, S.E. \$140.00 Month Includes all Utilities.
- 2 Bedroom 611 Southern Ave. \$190.00 Month plus Electric.

December 27, 1977

Harold Turner Properties:  
Center City Management Company  
141 Kennedy Street, N.W.  
Washington, D.C.  
Phone- 726-1000  
Contact: Mr. Nesbit

1-1Bedroom 4317 Kansas Ave. N.W. \$190.00 Month plus Cooking Gas & Electric.

Federal Rental  
915 New York Ave., N.W.  
Washington, D.C.  
Phone-Na 8-7416  
Contact: Mrs. Easley

1-1Bedroom 4501 Dix Street, N.E. \$145.00 Month plus Electric.

Jack Spicer Real Estate  
524 8th Street, S.E.  
Washington, D.C.  
Phone- 544-7200  
Contact: Mr. Paddock

2-1Bedroom 3210 13th Street, S.E. \$135.00 Month plus utilities.

William J. Davis Company  
6901 4th Street, N.W.  
Washington, D.C.  
Phone- 722-2100  
Contact: Mrs. Smallwood

The William J. Davis Company has approxiamtely Fifty (50) Rental Units throughout the city of Washington. There procedure is for the perspective tenants to come into the office where they have these apts.listed and to pick out the address that they are interested in seeing.

Lustine Realty  
1345 14th Street, N.W.  
Washington, D.C.  
Phone- Ho-2-2800  
Contact: Fern

27-2Bedroom 3035&3037 &3100&3104 Stanton Road S.E. \$221.00 Month plus Electric  
3-2Bedroom 5105 Southern Ave. \$235.00 Month plus Utilities.

December 27, 1977

Gitelson and Neff Management Company  
7600 Georgia Avenue, N.W.  
Washington, D.C.  
Phone- 723-6666  
Contact: Mrs. Marlow

2 Bedroom	5407	"D" Street, S.E.	\$225.00	Apt. 201	Includes all Utilities.
2 Bedroom	5407	"D" Street, S.E.	\$225.00	Apt. 204	Includes all Utilities.
2 Bedroom	5411	"D" Street, S.E.	\$225.00	Apt. T-1	Includes all Utilities.
2 Bedroom	5411	"D" Street, S.E.	\$225.00	Apt. 101	Includes all Utilities.
2 Bedroom	5411	"D" Street, S.E.	\$225.00	Apt. 104	Includes all Utilities.
2 Bedroom	5411	"D" Street, S.E.	\$225.00	Apt. 202	Includes all Utilities.
2 Bedroom	5411	"D" Street, S.E.	\$225.00	Apt. 301	Includes all Utilities.
2 Bedroom	5404	Drake Place, S.E.	\$225.00	Apt. T-2	Includes all Utilities.

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1050 BRUSSELS, BELGIUM  
(02) 649 94 30  
TELEX 62 038 ABLE B

(Date)

Tenant \_\_\_\_\_ (name)  
Address \_\_\_\_\_  
Washington, D. C. (zip)

Re: Purchase of home at 1119, 1123, 1127, 1131  
West Virginia Avenue, N. E.; 1105 Morse  
Street, N. E.

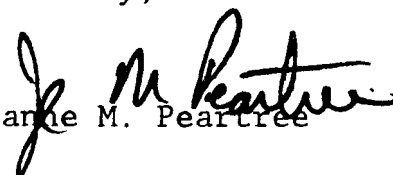
Dear Tenant:

I am writing to you on behalf of the new owner of your building, H. C. Construction, Ltd. Please be advised that five single-family homes will be available for purchase in approximately \_\_\_\_\_ months at the above addresses. As a former tenant of the new owner of the premises, you will be given priority in purchasing one of these homes.

If you will send you new address, in writing, to Mr. Albert Silver and Mr. Martin Gitelson, c/o Gitelson and Neff Mangement Company, Inc., Suite 210, 7600 Georgia Avenue, N. W., Washington, D. C. 20012, you will be notified two weeks before the homes are placed on the open real estate market for sale. If you submit a written offer to purchase one of the homes, your offer will be accepted before offers submitted by other prospective purchasers, provided: 1) your written offer is identical (including sales price and terms of financing) to the offers of competing purchasers; and 2) no offer from anyone else has already been accepted for the home. If a dispute should arise between you and another former tenant over one of the homes, the tenant who lived the longest period of time in the rental complex would have priority.

Should you have any questions concerning this opportunity to purchase a new home, please contact Mr. Albert Silver or Mr. Marvin Gitelson at 723-6666.

Sincerely,

  
Joanne M. Peartree

JMP:seb